



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** September 28, 2021

**Time:** 6:30 PM

**Location:** City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA /  
**Zoom (Hybrid)**

### 1. ROLL CALL

Roll Call showed 9 present.

M. Leahy presiding.

### 2. MAYOR'S BUSINESS

#### 2.1. Communication Remote / Zoom Participation:

Meetings Will Be Held In Council Chamber With Public Welcome And By Using Remote Participation As Follows: Members Of The Public May View The Meeting Via LTC.Org (On-Line; Live Streaming; Or Local Cable Channel 99). Those Wishing To Speak Regarding A Specific Agenda Item Shall Register To Speak In Advance Of The Meeting By Sending Email To City Clerk Indicating The Agenda Item And A Phone Number To Call So That You May Be Issued Zoom Link To The Meeting. Email Address Is [MGEARY@LOWELLMA.GOV](mailto:MGEARY@LOWELLMA.GOV). If No Access To Email You May Contact City Clerk At 978-674-4161. All Request Must Be Done Before 4:00 PM On The Day Of Meeting. For Zoom -

[HTTPS://SUPPORT.ZOOM.US/HC/EN-US/ARTICLES/201362193-JOINING-A-MEETING](https://support.zoom.us/hc/en-us/articles/201362193-joining-a-meeting)

In City Council, **Motion** "To accept and place on file" by C. Mercier, seconded by C. Elliott. So voted.

#### 2.2. Communication - Alternative House (Maria Crooker-Capone / Aimee Larochelle) Recognition Of Domestic Violence Month.

In City Council, **Motion** "To accept and place on file" by C. Rourke, seconded by C. Samaras. So voted. Aimee Larochelle and Maria Crooker from the Alternative House outlined events recognizing domestic violence month in the City.

**Motion** to suspend rules by C. Conway, seconded by C. Elliott to take Item #5.2Q out of order. So voted.



### **3. CITY CLERK**

**3.1. Minutes Of Cannabis Control SC September 13th; Finance SC September 13th; City Council Regular Meeting September 14th; Technology & Utilities SC September 14th And 23rd, For Acceptance.**

In City Council, minutes read, **Motion** "To accept and place on file" by C. Elliott, seconded by C. Conway. So voted.

**Motion** to bundle Items #4.1 to #4.8, inclusive and conduct public hearing collectively for those items by C. Conway, seconded by C. Mercier. So voted.

### **4. UTILITY PUBLIC HEARING**

**4.1. Cellco Partnership D/B/A Verizon Wireless - Request Installation Of Small Cell Facility On Existing Utility Pole #10 At 122 Chapel Street.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Mercier, seconded by C. Drinkwater. So voted. Atty. Dan Klasnik representing Verizon Wireless outlined each petition, the reason for cell facility, describing the facility and process in selection and design of the facility.

**4.2. Cellco Partnership D/B/A Verizon Wireless - Request Installation Of Small Cell Facility On Existing Utility Pole #4 At 57 Court Street.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Mercier, seconded by C. Drinkwater. So voted.

**4.3. Cellco Partnership D/B/A Verizon Wireless - Request Installation Of Small Cell Facility On Existing Utility Pole #65-1 At 1 Huntoon Avenue.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Mercier, seconded by C. Drinkwater. So voted.

**4.4. Cellco Partnership D/B/A Verizon Wireless - Request Installation Of Small Cell Facility On Existing Utility Pole #92 At 1345 Lawrence Street.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Mercier, seconded by C. Drinkwater. So voted.



**4.5. Cellco Partnership D/B/A Verizon Wireless - Request Installation Of Small Cell Facility On Existing Utility Pole At 119 Holyrood Avenue.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Mercier, seconded by C. Drinkwater. So voted.

**4.6. Cellco Partnership D/B/A Verizon Wireless - Request Installation Of Small Cell Facility On Existing Utility Pole At 7 Wamesit Street (On Central St.).**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Mercier, seconded by C. Drinkwater. So voted.

**4.7. Cellco Partnership D/B/A Verizon Wireless - Request Installation Of Small Cell Facility On Existing Utility Pole At 7 Whitman Street.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing continued to October 5, 2021. Speaking in opposition, Eric Nelson. C. Elliott requested information from Atty. Klasnik which was provided. C. Mercier noted that parties could get together in hall to resolve issue but zoom prevents that and recommended that parties speak and just continue this petition until next meeting on October 5, 2021.

**4.8. Cellco Partnership D/B/A Verizon Wireless - Request Installation Of Small Cell Facility On Existing Utility Pole At 72 Main Street (On West London St.).**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Mercier, seconded by C. Drinkwater. So voted.

**4.9. National Grid - Request Installation Of 12 Inch Coated Steel Gas Main Along Marshall Avenue, West Forest Street And Chelmsford Street.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. No Remonstrants. Diana Cuddy (National Grid) spoke in favor of the petition. **Motion** to refer to Wire Inspector for report and recommendation by C. Samaras, seconded by C. Mercier. So voted.

**4.10. National Grid - Request Installation Of Six Inch Plastic Gas Main 310 Feet Along 4-25 Astor Street.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. No Remonstrants. Diana Cuddy (National Grid) spoke in favor of the petition. **Motion** to refer to Wire Inspector for report and recommendation by C. Drinkwater, seconded by C. Elliott. So voted.



#### **4.11. National Grid - Request Replacing Cast Iron Gas Pipe With Plastic Along Genest Avenue.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. No Remonstrants. Diana Cuddy (National Grid) spoke in favor of the petition. Resident of Genest Avenue commented on remedial work that needs to be done on the street. C. Elliott noted it was a small street that should be put on paving list. **Motion** to refer to Wire Inspector for report and recommendation by C. Conway, seconded by C. Drinkwater. So voted.

**Motion** to take Item 11.8 out of order by C. Mercier, seconded by C. Elliott. So voted.

### **5. COMMUNICATIONS FROM CITY MANAGER**

#### **5.1. Motion Responses.**

In City Council, **Motion** "To accept and place on file" by C. Conway, seconded by C. Drinkwater. So voted.

#### **A) Motion Response - Enforcement of Noise Ordinance on Low Riding Vehicles –**

C. Chau noted the problem area in Back Central Neighborhood. Deputy Golner (LPD) commented on enforcement of ordinances and State law.

#### **B) Motion Response - Payroll Efficiencies City School – No comments.**

#### **C) Motion Response - Chief DEI Officer and ARPA Finance Manager Hiring – C.**

Nuon requested time frame for interviewing and hiring and commented on report as well.

**D) Motion Response – Eviction Prevention Mailing –** C. Drinkwater noted programs were beneficial to both tenants and landlords and that the information must be made available to both of them. C. Drinkwater noted a bulk mailing by the City was not very costly and well worth the information being made available to the public. **Motion** by C. Drinkwater, seconded by C. Elliott to allot funds necessary to provide mailing to citizens with information of assistance with rent and eviction proceedings. Adopted per Roll Call Vote 9 yeas. So voted. C. Rourke noted that other modes of communication should be uses as well.

**E) Motion Response - Morey Fence –** C. Chau commented on result of meeting between City departments.

**F) Motion Response - Vivier Way –** C. Rourke noted the report and results.

**G) Motion Response - MassPIRG Coordination – No comments.**

**H) Motion Response - Barbara Street Berm – No comments.**

**I) Motion Response - Cawley Stadium Stands –** C. Samaras noted the ongoing



project at Cawley. Manager Donoghue noted that assessment regarding facility is near completion.

**J) Motion Response - Rollie Farms** – C. Elliott commented on process to protect the land. C. Elliott recognized the efforts of Parks & Conservation Trust in the endeavor.

**K) Motion Response - Greening the Gateway** – C. Chau noted the report.

**L) Motion Response - Garcia Brograns** – M. Leahy commented on the options available to potential tenants. Christine McCall (DPD) noted on current plan for the developing the site.

**M) Motion Response – GoLowell** – No comments.

**N) Motion Response - Public Toilets** - C. Elliott commented on evaluating the recommendations.

**O) Motion Response - India Monument** – No comments.

**P) Motion Response - Nottingham and Powell Overgrowth** – No comments.

## 5.2. Informational Reports

**Q) Informational - Annual Report of the Lowell Commission on Disability** – Beth Brassel, Chairman of the Commission, recognized many entities which supported the work and effort and thanked C. Conway for his work with them as well. Ms. Brassel noted the accomplishments of the Commission including establishing a contract with LTC regarding close captioning as well as the establishment of scholarship fund. Manager Donoghue noted effort and results of the Commission and recognized all of the members. M. Leahy commented on his prior service with the Commission and the work they continue to do. C. Mercier noted the Commission along with the Chair as well as C. Conway commitment to the group. M. Leahy thanked C. Conway for his work with the Commission.

**R) Informational - Bond Sale, Refunding, and Budget Savings** – Conor Baldwin (CFO) provided the report noting funding for Capital Projects as well as savings to the City. C. Elliott stated report indicates continued proper financial planning. **Motion** by C. Elliott, seconded by C. Nuon to refer matter to Financial SC. So voted.

**S) Informational - Acting Treasurer Appointment** – Manager Donoghue announced the appointment of Allison Chambers as Acting City Treasurer per statute to run the operations of the department during the search.

## 5.3. Communication - City Manager Request Out Of State Travel (3) LPD; (1) LFD.

In City Council, Read, **Motion** to adopt by C. Elliott, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted.



## **6. VOTES FROM THE CITY MANAGER**

### **6.1. Vote - Appoint City Auditor And Establish Salary.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Drinkwater, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott noted that the subject was addressed at earlier Finance SC meeting and that there is support for the candidate. Manager Donoghue commented on the search and the process to select candidates. Conor Baldwin (CFO) outlined the procedure of use of consultants and recommendations made to the selection committee. Ms. Oakes addressed the body. C. Elliott recognized the effort of the search and indicated that the treasurer position will need to be filled. C. Mercier recognized the selection. **Motion** by C. Elliott, seconded by C. Mercier to refer to Manager to establish salary. So voted.

**Motion** by C. Nuon, seconded by C. Elliott to bundle and waive second readings of Items #6.2 to #6.5, inclusive. So voted.

### **6.2. Vote - Authorize CM Execute License Agreement With Winn Managed Properties LLC.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Samaras, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott noted space was commercial and that it was a temporary easement. Manager Donoghue noted that this was not a long term endeavor.

### **6.3. Vote - Authorize CM Proceed Under MGL 30B Move Management Consulting 5 Yrs.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Samaras, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted.

### **6.4. Vote - Transfer \$103,777 For DPW Barrel Collection.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Samaras, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted.

### **6.5. Vote - Transfer \$65,245 For Pollard Library.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Samaras, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted. C. Mercier questioned if transfer could be done automatically on a yearly basis. Manager Donoghue noted that it needs to be part of the budget process. Mr. Baldwin noted that there is a five year fiscal plan being developed which will address the funding.



## **7. ORDERS FROM THE CITY MANAGER**

### **7.1. Order - 60 Day Trial.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Elliott, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted.

## **8. ORDINANCES FROM THE CITY MANAGER**

### **8.1. Ordinance-Create Position And Salary - Contact Tracer.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on October 12, 2021 at 7PM by C. Nuon, seconded by C. Conway. So voted.

## **9. REPORTS (SUB/COMMITTEE, IF ANY)**

### **9.1. Technology & Utilities SC September 23, 2021.**

In City Council, C. Nuon outlined both meetings noting the attendance and discussion of renewing community energy contract for the City. C. Nuon noted subcommittee adopted motion that recommended the approval by the full Council to renew the Community Choice Aggregate (CCA) contract keeping it at 45% renewable energy component. Registered speakers, Win Flint, Jonathan Grossman, Stephen Malagodi and Justin Ford, addressed the Council. C. Nuon recognized the speakers. C. Samaras noted the presentation made by Katherine Moses (DPD) done at the subcommittee meeting. **Motion** to accept the report as a report of progress and adopt motions by C. Elliott, seconded by C. Mercier. So voted.

In City Council, C. Chau requested moment of silence in darkened chamber for former City Council member, John J. Mahoney. M. Leahy presented citation to the Mahoney family and daughter, Mary Jo Santoro spoke on their behalf. C. Samaras requested moment of silence in darkened chamber for Gilbert "Gil" Campbell.

### **9.2. Finance SC September 28, 2021.**

In City Council, C. Elliott outlined the meeting noting attendance and discussion regarding school bills regarding special education as well as the selection of the Auditor. C. Elliott noted motion adopted by the subcommittee recommended that Council approve payment of outstanding special education bills from the school budget. **Motion** to accept the report as a report of progress and adopt motions by C. Elliott, seconded by C. Mercier. So voted.

### **9.3. Wire Inspector Reports:**

- 1) National Grid - Request Installation Of New Switch Gear And Electric Conduit For Power To New Parking Garage At 171 Jackson Street;**
- 2) TC Systems Inc. (AT&T) (Giomare Group) - Request Installation Of 116 Feet Of Underground Conduit At Intersection Of Industrial And Reiss Avenues;**
- 3) TC Systems Inc. (AT&T) (Giomare Group) - Request Installation Of 44 Feet Of Underground Conduit At Appleton And Thorndike Streets; And**



**4) National Grid - Request To Relay A Gas Main At 1895-1939 Middlesex Street With A 12 Inch Plastic Gas Main In Sidewalk.**

In City Council, **Motion** to accept and adopt accompanying orders by C. Mercier, seconded by C. Rourke. So voted.

**10. PETITIONS**

**10.1. Misc. - Joseph Meranda (For Benefit Of Kevin Denny) Request Installation Of A Handicap Parking Sign At 72 Otis Street.**

In City Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Nuon, seconded by C. Mercier. So voted.

**10.2. Misc. - Lillian LaMarche Request Installation Of Handicap Parking Sign At 282 High Street.**

In City Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Chau, seconded by C. Conway. So voted.

**11. CITY COUNCIL - MOTIONS**

**11.1. C. Rourke - Req. City Mgr. Contact Massachusetts Department Of Transportation To Cut Back The Grass And Trees Along The VFW Highway From The Dracut To The Lowell Line And Street Sweep Some Of The Intersections. (Areas Described Attached)**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Rourke noted there is a lot of work needed and referred to attach list to send to MassDOT for review. C. Drinkwater requested that Item #11.10 be discussed as well as it pertains to similar requests. Manager Donoghue noted there has been contracted work being done to clean those areas.

**11.2. C. Rourke - Req. City Mgr. Have The Areas In And Around The Course For This Year's Baystate Marathon Cleaned Up And Prepared For October 17, 2021 Race Date.**

In City Council, seconded by C. Samaras, referred to City Manager. So voted. C. Rourke noted it is a big event in the City which attracts many visitors.

**11.3. C. Rourke - Req. City Mgr. And Parks Department Explore The Installation Of A Volleyball Court At LeBlanc Park.**

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. Registered speaker, Matthew LeLacheur, addressed the body. C. Rourke noted the need to have a dedicated spot for the court as currently it is destroying outfield of the baseball park.





**11.4. C. Mercier - Req. City Mgr. Have Proper Department Place A Berm In Front Of 110 And 124 Barbara Street And Any Other Home On Barbara Street That Has Had Their Front Yard Soil Running Down The Street And Washing Away.**

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Mercier commented on prior report and that she forwarded to residents and requested to amend motion to reflect installation of granite curbing to coincide with recommendations in the report.

**11.5. C. Mercier - Req. City Mgr. Put Forth Summit Regarding Homelessness/Mental Health Issues/Drug Addiction In The City.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Nuon requested Item #11.7 be taken up at same time as it contains similar subject matter. C. Mercier noted the homeless problem along with addiction and mental health issues in which City needs help to address this universal problem. C. Nuon commented that State assistance is needed with these issues.

**11.6. C. Mercier - Req. City Mgr. Have The DPD Explore Possibility Of The City Acquiring Ownership Of The Vacant Coca-Cola Property On Industrial Avenue For Future Use.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Mercier noted the plant was shut down and that City should investigate if there is a need for such a property.

**11.7. C. Nuon - Req. City Mgr. Provide A Report Regarding What The City Is Doing To Address Homelessness And How The Funds From The CARES Act Are Being Used To Help Solve The Problem And If There Should Be An Emphasis On A "Housing First" Approach Which Has Worked In Other Cities.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Nuon noted there is effort on solving issues that needs to continue. Manager Donoghue noted prior task force has been reorganized and expanded and is now known as Homeless Council. Manager Donoghue noted challenges in the City and that Homeless Council has many partners they are working with to come to a solution over time. C. Samaras noted there are some that refuse services. C. Elliott noted the issues are pressing in the City as it is a regional problem which needs a regional approach to resolve. C. Drinkwater noted the need to explore possible civil commitment for those who refuse treatment for their own safety and safety of others. C. Drinkwater noted that facilities are needed to house persons in need.

**11.8. C. Drinkwater - Req. City Mgr. And Proper Department Explore Changing The Intersection Of Hoyt Avenue And Waverly Avenue From A Two-Way Stop To A Three Or Four-Way Stop.**



In City Council, seconded by C. Nuon, referred to City Manager. So voted. Registered speakers, Rose McCarthy and Karen Ponton, addressed the body. C. Drinkwater noted the residents concern and the need to make intersection safer.

**Motion** to take Item #11.13 - #11.15 out of order by C. Chau, seconded by C. Rourke. So voted.

**11.9. C. Drinkwater - Req. City Mgr. And Proper Department Prioritize The Repainting Of Crosswalks In Close Proximity To Schools.**

In City Council, seconded by C. Conway, referred to City Manager. So voted. C. Drinkwater noted need for safety in those areas.

**11.10. C. Drinkwater - Req. City Mgr. Coordinate With MassDOT Regarding Maintenance Of Overgrown Trees And Brush At Hunts Falls Rotary.**

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Drinkwater noted prior discussion at Item #11.1.

**11.11. C. Drinkwater - Req. City Mgr. Provide A Report Regarding The Feasibility Of Using ARPA Funds On A Cost-Sharing Program For Homeowners To Install Sewer Backflow Preventers.**

In City Council, seconded by C. Conway, referred to City Manager. So voted. C. Drinkwater noted funding applies to infrastructure and should explore to see if it would extend to private owners.

**11.12. C. Samaras - Req. City Mgr. Provide A Report Regarding The Costs That Will Be Incurred To Eliminate The Odor Coming From Duck Island.**

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Samaras commented on the area and the odor noting there is a solution to issue that must be explored so that cost benefit analysis may be made.

**11.13. C. Chau - Req. City Mgr. Investigate And Implement Repairs And Upgrades To Clemente Park In The Lowell Highlands; Including The Basketball Court, Playground And Skate Park.**

In City Council, seconded by C. Elliott, referred to City Manager. So voted. Registered speakers, Ryan Rourke and Justin Ford, addressed the Council. C. Chau noted the park is an important part of the community as a gathering place that needs updates and improvements. C. Nuon noted prior improvements done some time ago which are in need of updates.



**11.14. C. Chau - Req. City Mgr. Provide An Update Regarding HVAC And Energy Conservation At The Morey School.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. Registered speaker, Chris Crowley, addressed the Council. C. Chau commented that the speaker had personal knowledge of the situation and of the needs at the school. Manager Donoghue commented they would provide update noting work has begun but the scope of the work may need to be expanded. C. Mercier commented on the air quality at City Hall and the need to replace filters throughout the building. C. Rourke noted he has been in the school when temperatures are unbearable.

**11.15. C. Chau - Req. City Mgr. Revisit The Area Of River Meadow Brook And Enlist The Commonwealth Of Massachusetts To Assist With The Trash And Needle Pickup While Providing Proper Outreach To The Homeless Encampment.**

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Chau noted the need for attention and assistance from State.

**12. ANNOUNCEMENTS**

In City Council, C. Mercier noted event at the Bridge Club honoring man of the year. Manager Donoghue noted upcoming events Hazardous Waste Day; Fall trash pick-up; and acceptance of snow plowing bids.

**13. ADJOURNMENT**

In City Council, **Motion** to Adjourn by C. Rourke, seconded by C. Mercier. So voted.

Meeting adjourned at 9:55 PM.

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Michael Q. Geary, City Clerk